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Message Text

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15
ACTION AF-18

INFO OCT-01 EUR-25 ADP-00 IO-12 L-03 CIAE-00 DODE-00

INR-10 NSAE-00 PA-03 RSC-01 USIA-12 PRS-01 RSR-01

/087 W
---------- 103387
R 021520 Z MAY 73
FM AMCONSUL CAPE TOWN
TO SECSTATE WASHDC 3452
INFO AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY PRETORIA

UNCLAS CAPE TOWN 330

E. O. 11652: N/ A
TAGS: PINS PINT RH
SUBJ: RHODESIAN JOURNALIST WINS APPEAL

REF: (A) CAPE TOWN 265 (B) CAPE TOWN A-7, FEBRUARY 22

1. LOCAL PRESS DETAILS SUCCESSFUL APPEAL OF DETAINED RHODESIAN JOURNALIST PETER NIESEWAND AGAINST HIS CONVICTION AND SENTENCE UNDER OFFICIAL SECRETS ACT TO TWO YEARS IN JAIL (ONE YEAR SUSPENDED). THREE JUDGES OF HIGH COURT' S APPELLATE DIVISION RULED MAY 1 IT WAS SATISFIED THAT IT HAD NOT BEEN SHOWN THAT WHAT NIESEWAND PUBLISHED WAS IN FACT PREJUDICIAL TO THE INTERESTS OF SAFETY OF RHODESIA.

2. APPEAL WAS HELD IN SECRET ON ORDERS OF LARDNER- BURKE, MINISTER OF JUSTICE, LAW AND ORDER, BEFORE CHIEF JUSTICE HUGH BEADLE AND JUSTICES MACDONALD AND GOLDIN. NIESEWAND' S CASE WAS ARGUED BY SOUTH AFRICAN ADVOCATE I. A. MAISELS. COURT' S WRITTEN JUDGMENT DID NOT DISCLOSE INFORMATION WHICH STATE CLAIMED WAS TOP SECRET ALTHOUGH TEXT GIVING THIS INFORMATION IS TO BE AVAILABLE TO DEFENSE AND STATE TODAY. PARTIES CAN ARRANGE WITH LARDNER- BURKE EXTENT TO WHICH FACTS WOULD BE MADE PUBLIC.
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3. DESPITE SUCCESSFUL APPEAL DETENTION ORDER SERVED ON NIEWEWAND FEBRUARY 20 IS STILL IN FORCE. ORDER IS NOW TO BE RE- EXAMINED BY LARDNER- BURKE. PRESS QUOTES BRITISH FONOFF SPOKESMAN AS SAYING FCO HAS ALREADY URGED RHODESIAN AUTHORITIES TO LIFT DETENTION ORDER. MRS. NIESEWAHAT THE FALL OF THE LON NOL GOVERNMENT WAS
" IMMINENT" (KABUL 3141).

2. AT THE SAME TIME THE CHINESE BELIEVE THAT SIHANOUK' S RECENT VISIT TO CAMBODIA HAS SIGNIFICANTLY ENHANCED HIS LEADERSHIP ROLE AMONG THE GRUNK" FUNK FORCES IN- COUNTRY AS WELL AS HIS STANDING BOTH IN HANOI AND IN INTERNATIONAL OPINION. ALTHOUGH THERE IS APPARENTLY CONTINUING RECOGNITION BY ALL PARTIES THAT THE REAL POWER OF THE CAMBODIA MOVEMENT LIES ELSEWHERE, SINHANOUK' S

CONFIDENCE IN HIS OWN POSITION HAS ALSO REPORTEDLY INCREASED (HONG KONG 4141). MEANWHILE, THE PRC CONTINUES TO WORK FOR SIHANOUK' S DIPLOMATIC CAUSE AT THE EXPENSE OF THE GKR AS, FOR EXAMPLE, AT THE RECENT MEETING OF ECAFE IN TOKYO.

3. SIHANOUK AND THE CHINESE ALSO APPEAR TO BELIEVE THAT THE CHANCES ARE SMALLER THAN BEFORE OF A SOVIET- SPONSORED SETTLEMENT IN CAMBODIA WHICH WOULD LEAVE THEM HOLDING THE BAG. NEITHER THE PRC NOR SIHANOUK HAVE REFERRED TO THIS SORT OF PLOTTING FOR SOME TIME. THE ONLY RECENT ATTACK IN NCNA ON THE SOVIET ROLE IN CAMBODIA WAS AN ALBANIAN POLEMIC OF APRIL 26, BUT THIS ARTICLE ALSO DID NOT DISCUSS THE " SCHEME" FOR A POLITICAL SETTLEMENT ALLEGEDLY PUSHED BY A " CERTAIN POWER."

4. IN THEIR COMMENTS ON CAMBODIA, CHINESE SPOKESMEN HAVE BEEN CAREFUL TO MINIMIZE THE PRC' S DIRECT INTEREST IN THE CONFLICT AND TO RETAIN FLEXIBILITY ON THE QUESTION OF NEGOTIATIONS. PEKING HAS CONTINUED TO MAKE ONLY VAGUE PLEDGES OF SUPPORT FOR THE " PATRIOTIC FORCES," AND PRESUMABLY AT THIS ALLIES' S BEHEST SIHANOUK HAS FREQUENTLY MADE A POINT OF DENYING THAT ANY PRC (OR DRV) MATERIAL ASSISTANCE IS NOW BEING SUPPLIED TO HIS ARMY. AFTER THE PARIS AGREEMENTS WERE SIGNED, THE CHINESE REPORTEDLY URGED SIHANOUK
TO TAKE A SOFTER LINE ON NEGOTIATIONS. AND WHILE WE SEE NO EVIDENCE THAT THE CHINESE HAVE PUSHED THIS ISSUE SINCE THE PRINCE HARDENED HIS LINE AT THE INSISTANCE OF THE IN- COUNTRY GRUNK" FUNK
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FORCES, PEKING HAS NOT ENDORSED THE NO- COMPROMISE POSIITION AND

HAS CONTINUED TO AVOID DESCRIBING SIHANOUK' S FIVE- POINT PROPOSAL OF MARCH 1970 AS THE " ONLY" BASIS FOR A SETTLEMENT.

6. PEKING ALSO CONTINUES TO SEEK TO LIMIT THE IMPACE OF THE

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CAMBODIAN CONFLICT ON ITS WIDER INTEREST IN SOUTHEAST ASIA AND
WITH THE U. S . FOR EXAMPLE, THE CHINESE HAVE REFRAINED FROM
CONDEMNING THAILAND IN CONNECTION CAMBODIA. LIKEWISE,
WHILE NCNA HAS REPORTED SIHANOUK' S EARTHY INDICTMENTS OF PRESIDENT
NIXON, THE PRC' S OWN ATTACKS ON THE U. S. BOMBING IN CAMBODIA
HAVE BEEN RELATIVELY RESTRAINED AND CONSISTENTLY DEVOID OF PERSONAL
ATTACKS OR OF ANY REFERENCE TO SINO- US RELATIONS. PEKING MEDIA
HAVE, HOWEVER, HIGHLIGHTED US CONGRESSIONAL OPPOSITION TO THE
US AIR CAMPAIGN IN CAMBODIA, A PATTERN WHICH CONTRASTS WITH THE
PRC' S SILENCE ON THE PRESIDENT' S DOMESTIC OPPOSITION DURING MOST
OF LAST YEAR. THIS SUGGESTS AN ASSESSMENT THAT US POLICY ON
CAMBODIA MAY BE FORCED TO CHANGE. IN GENERAL, THE PRC STILL
ALPEARS OPTIMISTIC THAT THE TROUBLES IN CAMBODIA THAT MIGHT
ENDANGER A GENERAL DETENTE CAN BE CONTAINED, AND THAT THE PRESENT
POLITICAL- MILITARY DYNAMICS OF CAMBODIA ARE NOT UNFAVORABLE TO
CHINESE INTEREST.
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LONDON
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